



SPECIAL MINUTES OF THE CITY COUNCIL AND THE CITY COUNCIL SITTING AS THE REDEVELOPMENT AGENCY

WEDNESDAY JUNE 30, 2004

The special meeting of the City Council, also sitting as the Redevelopment Agency, was called to order by Mayor/RDA Board Chairman Stettler in the Council Chambers at 68-700 Avenida Lalo Guerrero, Cathedral City, California, on Wednesday June 30, 2004 at 5:30 p.m.

There was a flag salute led by Council Member/RDA Board Member England, followed by an invocation by Mayor Pro Tem/RDA Member Pettis.

ROLL CALL:

Present: Council Members/RDA Board Members DeRosa, England, Marchand
Mayor Pro Tem/RDA Board Member Pettis
Mayor/Chairman Stettler

PUBLIC COMMENTS

Mayor Stettler opened the floor to Public Comments on anything that is not on tonight's Agenda.

Bill Cohen – Cathedral City. Mr. Cohen may a plea for more volunteers for the C.O.P.S., he can be reached at 321-0148

Shilo Heerling – Cathedral City. Mr. Heerling commented on the “tagging” that is on the increase in Cathedral City, noting most recently at the Albertsons on Date Palm and Ramon.

Seeing no one else wishing to speak, Mayor Stettler Closed Public Comments.

PUBLIC HEARINGS

Mayor Stettler called for any ballots that needed to be turned in on Item 1.

1. Conduct a public hearing, then open the ballots and determine if a majority of property owners voted to approve their assessment for the formation

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of the proposed Century Park Landscape and Lighting District (LLD No. 16) for tax roll for fiscal year 2004-2005.

There was a report by the City Manager Donald Bradley. He gave a summary of the project and explained the assessment District. He advised that work will start within a few weeks,

Mayor Stettler opened the floor to Public Comments.

Sandra Richter – Century Park resident. She is concerned, and asked if the city will take over the Assessment District when things got better? She is a senior on a fixed income. Everything goes up but her income! The park is open to everyone – why put burden on certain people, why not everyone?

Mayor Stettler tried to answer questions explaining the budget items over the past five years that led to this situation.

Council Member Marchand explained the CSD (Community Services District) and how the CSD was “tossed out”, and then he explained the Utility Tax on the ballot of 2002 and how that was defeated, and the council had to face some serious decisions.

Brian Loncar – Century Park resident 2.5 years. Mr. Loncar said “shame on you guys”, its bad management. Wal-Mart and Sam’s Club leaving Cathedral City. Labor is real cost. “I need you to water the parks”, “it is either your responsibility or everybody’s responsibility”. Business should be taxed. What about Policy/Code Enforcement? Who is fining you \$50 a day like the homeowners are fined? You should gate the community, or if used by everyone, it should be paid for by everyone. The other side of the street is Rancho Mirage, look how nice they look. One other thing, you didn’t answer the previous speaker’s question, “is this temporary or not?”

Judy Gall- Century Park. Rancho Mirage taxes are higher than ours!

Tom Mellon – Century Park – Lawn went brown several years ago, I was told it was a public nuisance (he displayed a 8.5 x14 sign that had been posted on his property that said PUBLIC NUISANCE). Are we going to hire new workers? There is a lot of soccer played in this park, will you limit the activities in this park to save new grass? What about the retention basin? And what about the liability of fire in the dried out parks?

Mr. Bradley, City Manager, advised that the work would start as soon as possible, and activities like soccer, would be limited in the beginning of reconstruction.

Fire Chief Sowles advised that everything would burn at some point. The dry parks do not represent a hazard to the city.

Deputy City Attorney Joe McDougall said the liability is not greater than what we already have.

Don DeSantas – Century Park. This park is an embarrassment to me when I have visitors. Land given to the city should be responsibility of City. Local residents clean up beer bottles and trash. This park should be the responsibility of the city, and it should be an embarrassment to the City to pass on assessment just because we live close to the park. Close park, fence, give residents key. I'm just embarrassed in the way the City has cared for park.

Richard Rectal – Cathedral City. Park has gone dry, family's don't come. It is a meeting place, there are always a bunch of cars. If you can't keep it up, sell it! Put houses there. How about using water in catch basin to water the park?

Seeing no one else wishing to speak, Mayor Stettler closed Public Comments.

Council Member DeRosa said she had spent many hours cleaning Century Park. She also advised that if the Assessment District did not pass, total cost of \$400,000 probably could be taken out of reserves. "I can't" needs to get to "I can". She is concerned that the Second Street Park isn't being cared for, but there is a \$150,000 set for a park in the Cove. "If you pass this assessment tonight I will support you, if not, I hope the Council will reconsider. I apologize that we had to get to this position.

Council Member Marchand stated that hindsight is always 20/20. He dissents from his colleagues view. The \$813,000 "allegedly found" was offset by \$827,000 by the Vehicle License Fee take away. There was no pot of money, the pot of money is going to Sacramento. We are going thru very difficult financial times, I want to water the parks too. I also want to have Public Safety and we are City that can't spare anyone else. We sink or swim together, we should not point fingers.

Mayor Pro Tem Pettis advised that the Cove Park was two lots utilizing Federal grant money and that the Cove residents have made commitments for this park. Also Tri-Millennium Development committed to maintenance of the Second Street Park maintenance. Proposed Assessment District is one of many. Rancho Mirage has a lot of Assessment Districts. Our residents and taxpayers chose to cut taxes.

The Mayor again called for anyone who wished to vote, please hand their votes to the City Clerk. The City Clerk then retired to the Lobby with representatives of MuniFinancial to count the ballots from Century Park Assessment District. The Mayor will reconvene this item when the count is complete and the Clerk is ready to give the report.

The Deputy City Clerk sat in for the City Clerk while the ballots were being counted.

2. Conduct a public hearing, then open the ballots and determine if a majority of property owners voted to approve their assessment for the formation of the proposed Panorama Park Landscape and Lighting District (LLD No. 17) for tax roll for fiscal year 2004-2005.

City Manger Donald Bradley provided report about the Assessment District and what it covers, its purpose and the specific items it was designed to pay for i.e., median landscape, park reconstruction etc. Mr. Bradley asked Scott Koppel with MuniFiancial to explain the methodology used in computing the fee for the assessment district. Mr. Koppel went into a brief explanation of the assessment and mentioned that the fees according to the formula are based on who benefits from the parks and introduced the concept of general benefit vs. remote benefit, meaning that those with the closest proximity to the park benefit more by virtue of living around the park, etc. He also stated that they had received a 50% response on both of the assessment proposals before the City Council tonight.

Mayor Stettler opened the floor to Public Comments.

Fred Bell – 28900 Avenida La Vista, Cathedral City. Mr. Bell made several observations. He spoke of the letter in the Desert Sun from Officer Hatfield where he stated something about gangsters using the park and commented he took offense to the comment. He feels there is a gross misunderstanding on how the City functions. He encouraged Council to take meetings out to the community to better inform the public and stated that the only way people are going to understand the message is for Council to keep repeating the facts everyday. He was also offended by several people in the audience who showed very poor civility in the discussion of the issues and when approaching the dais. He was offended because he noticed that several people in the audience were arguing after having left the podium and pled their cases. He spoke to the issue of respect and how people should respect other people's view.

Janet Malakowsky – Cathedral City. Ms. Malakowsky spoke in favor of the assessment district and stated this was a very small amount of money to pay for beautiful parks.

Leticia Quesada – Cathedral City. Ms. Quesada stated that we are living in a crisis in California, and residents in the area choose to assess themselves. She commented about Officer Hatfields remarks and comments in the paper which she also found offensive coming from a person in uniform representing the City. She also wants to discuss alternatives if the vote tonight is "no".

Seeing no one else wishing to speak the Mayor closed Public Comments.

The Mayor again called for anyone who wished to vote, please hand their votes to one of the Deputy City Clerks. The Deputy City Clerks then retired to the Lobby with representatives of MuniFinacial to count the ballots from

Century Park assessment District. The Mayor will reconvene this item when the count is complete and the Clerk is ready to give the report.

With the introduction of the next item, Council Member Marchand declared a conflict and recused himself at 6:40 p.m.

3. Certification of Environmental Impact Report SCH 2003031112 and approval of Conditional Use Permit 00-274 for Desert Cove Golf Resort: proposal to develop an 18-hole golf course and support facilities, in and adjacent to Whitewater and East Cathedral Channels.

Mr. Joe Richards, Interim City Planner, gave a report regarding the proposed project. Council Member DeRosa asked if all the property had been acquired. MrDonald Ballard approached to respond, saying that "they were in the process of finalizing two Indian leases and other than that, all other properties had all been acquired and that they had applied for the 401 permit and other permits needed to move forward."

Mayor Stettler opened the floor to Public Comments.

Bill Cohen – Cathedral City. Mr. Cohen spoke in favor of the golf course and asked several questions, about lights and noise lever, he was concerned with golf balls going all over the place and light pollution, which takes away from joyment of the area.

Janet Malakowsky – Cathedral City. Spoke in favor of the golf course.

Council Member DeRosa asked several questions regarding the issue of water, whether they will use recycled water, a well, a filtration system and what the plans for the water were?

Nancy Aaronsen – La Quinta. Ms. Aaronsen is a consultant on this project. She stated that they were working closely with the Desert Water Agency (DWA) and other agencies, and that they will have a well.

Mr. Richards, Interim City Planner completed his report.

The Deputy City Clerk read a statement into the minutes from Douglas R and Pamela Alms of 38703 Vista Drive, Cathedral City in reference to the Cove Golf Course and the reasons that they objected to the golf course and were opposing same.

Deputy City Attorney Joe McDougall stated that he had some modifications of findings to this agreement as follows:

That Section 3 was amended to read as follows:

"Section 3. In view of all the evidence and based upon the foregoing findings, the City Council concludes and finds as follows:"

Subsection 3(f) was revised to read as follows:

“As discussed in Chapter 3 of the Final Environmental Impact Report for the Desert Cove Golf Resort, the City Council finds that the adoption, imposition and implementation of each of the Mitigation Measures set forth in the Final EIR will adequately mitigate each respective potentially significant environmental impact to a level of less than significant; specifically:

“1. Potentially significant adverse impacts to the Peninsular Big Horn Sheep have been reduced to a level of less than significant by incorporation of those Mitigation Measures and Conditions of Approval set forth in Section 5 of this Resolution;

“2. Potentially significant adverse impacts to loss of habitat have been reduced to a level of less than significant by incorporation of those Mitigation Measures and Conditions of Approval set forth in Section 5 of this Resolution;

“3. Potentially significant adverse impacts caused by fugitive dust emissions have been reduced to a level of less than significant by incorporation of those Mitigation Measures and Conditions of Approval set forth in Section 5 of this Resolution;

“4. Potentially significant adverse impacts caused by stormwater runoff have been reduced to a level of less than significant by incorporation of those Mitigation Measures and Conditions of Approval set forth in Section 5 of this Resolution;

“5. Potentially significant adverse impacts caused by sedimentation have been reduced to a level of less than significant by incorporation of those Mitigation Measures and Conditions of Approval set forth in Section 5 of this Resolution;

“6. Potentially significant adverse impacts caused by consumption of water resources for the golf course have been reduced to a level of less than significant by incorporation of those Mitigation Measures and Conditions of Approval set forth in Section 5 of this Resolution;

“7. Potentially significant adverse impacts caused by project related noise have been reduced to a level of less than significant by incorporation of those Mitigation Measures and Conditions of Approval set forth in Section 5 of this Resolution;

“8. Potentially significant adverse impacts to visual resources have been reduced to a level of less than significant by incorporation of those Mitigation Measures and Conditions of Approval set forth in Section 5 of the Resolution.”

A new finding was inserted as Subsection 3(g) to read as follows:
"In consideration of the findings made above, the Project will not result in any unavoidable significant environmental impacts and, therefore, a Statement of Overriding Considerations is not required."

The remaining findings in Section 3 were renumbered as (h), (i), (j) and (k) respectively.

Mayor Pro Tem Pettis moved approval of the report with modifications as stated, motion seconded by Council Member England. Mayor Stettler asked for a roll vote: DeRosa AYE, England AYE, Pettis AYE, Stettler AYE. Motion carried 4-0-1 **By Resolution No. 2004-66A.** Council Member Marchand abstaining due to a conflict.

The City Clerk returned to the meeting at this time.

Mayor Stettler then reconvened on Item 1 the ballot results of the Century Park Landscape and Lighting District (LLD No. 16) for tax roll for fiscal year 2004-2005.

The City Clerk read the ballot results into the record as follows:

The YES vote was \$28,698.06 61%, The NO vote was \$18,034.30 39%, the measure carries. There were 17 ballots not counted, either because they were not voted, or they were not signed.

Mayor Pro Tem Pettis moved approval of the proposed Century Park Landscape and Lighting District (LLD 16), motion seconded by Council Member England. Mayor Stettler asked for a roll call vote: Council Member DeRosa AYE, Council Member England AYE, Council Member Marchand AYE, Mayor Pro Tem Pettis AYE, Mayor Stettler AYE. Motion carried 5-0 **By Resolution No. 2004-61, 2004-62, 2004-63.**

Council Member England thanked all the residents in Century Park as did Council Member Marchand making a few remarks, that Democracy still works, the Mayor stated that it was a pleasure to work with them all and he has such pride in this community.

Mayor Stettler declared a break till 9:00 p.m. so that the counting of the Panorama ballots could be finished.

Mayor Stettler reconvened the meeting at 9:12 p.m. to hear the results of the Voting on the Panorama Park Landscaping and Lighting District (LLD No. 17).

The City Clerk read the ballot results into the record as follows:
The YES vote was \$34,563.56 68%, The NO vote was \$16,269.99 32%, the measure carries. There were 68 ballots not counted, either because they were not voted, or they were not signed.

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Mayor Pro Tem Pettis moved approval of the proposed Panorama Park Landscape and Lighting District (LLD 17), motion seconded by Council Member Marchand. Mayor Stettler asked for a roll call vote: Council Member DeRosa AYE, Council Member England AYE, Council Member Marchand AYE, Mayor Pro Tem Pettis AYE, Mayor Stettler AYE. Motion carried 5-0 **by Resolution No. 2004-64, 2004-65, 2004-66.**

Council Member England and Council Member Marchand offered their congratulations to the people who were still here from Panorama Park.

Hearing no further business to come before the City Council Mayor Stettler adjourned the meeting at 9:18 p.m.

Pat Hammers, City Clerk